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Implementation Measures of 2005 TRQ Allocation for Wool and Wool Tops

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Report Highlights:

This is an UNOFFICIAL translation of the Implementation Measures of 2005 TRQ Allocation for Wool and Wool Tops issued by the Ministry of Commerce on September 29, 2004. Exporters should carefully discuss regulations and their application with Chinese importers to ensure their interpretation of the regulation is accurate.

Includes PSD Changes: No
Includes Trade Matrix: No
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Summary

The following is an UNOFFICIAL translation of the Implementation Measures of 2005 Tariff Rate Quota (TRQ) Allocation for Imported Wool and Wool Tops as issued by the Ministry of Commerce on September 29, 2004. Under WTO obligation, China should publish TRQ allocation details for major imported agricultural products one month ahead of the application period, which is from October 15 to October 30 of each year. Wool and wool tops import TRQs reached their quantities in 2004. TRQ allocation measures and requirements in 2005 are basically the same as those in 2004. The document also contains one appendix: Application Form of Agricultural Product Import TRQ Certificate.

BEGIN TRANSLATION

Implementation Measures of 2005 TRQ Allocation for Wool and Wool Tops**Article 1**

These measures are established to facilitate the management of import TRQs for wool and wool tops on the basis of the "Interim Rules and Regulations for Agricultural Imports Tariff Rate Quota" (Decree No. 4 (2003) of the Ministry of Commerce and the National Development and Reform Commission).

Article 2

The 2005 TRQ amount for imported wool is 287,000 metric tons and that for wool tops is 80,000 metric tons.

Article 3

Imports of wool and wool tops through all forms of trade are subject to the import TRQ management for wool and wool tops.

Article 4

The 2004 import TRQs for wool and wool tops will be allocated on first-come-first-serve basis. Applicants shall provide import contracts of wool or wool tops or a Processing Trade Business Certificate in applying for import TRQs. The Ministry of Commerce will issue Agricultural Product Import TRQ Certificates, through authorized agencies, to eligible quota applicants on first-come-first-serve basis. Applications for import TRQs for wool and wool tops will no longer be accepted at a time when all 2005 import TRQs for wool and wool tops have been allocated.

Article 5

Requirements of application

- 1). Having registered at the State Industry and Commerce Management Authorities before January 1, 2005 and passed the annual inspection by the industry and commerce department;
- 2). No record of misconduct at the Customs, Industry and Commerce, Tax Bureau or Foreign Exchange in the previous year;
- 3). No record of violating the Interim Rules and Regulations for Agricultural Imports Tariff Rate Quota issued by the Ministry of Commerce and the National Development and Reform Commission or Implementation Measures of 2004 TRQ Allocation for Wool and Wool Tops.

Article 6

Quota applicants shall submit their applications to the Ministry of Commerce authorized agencies within the jurisdiction of where the enterprise is registered by providing a wool or wool top import contract (processing trade enterprises also need to provide a "Processing Trade Business Certificate"). Applicants shall fill out an Application Form for Wool or Wool Top Import TRQs (see appendix) and provide aforementioned relevant documents.

Article 7

TRQ applicants may obtain an Application Form for Wool or Wool Top Import TRQs (see appendix) at the Ministry of Commerce authorized agencies or download a copy from the Ministry's web site (<http://www.mofcom.gov.cn>).

Article 8

TRQ applicants may apply multiple times for the import TRQs within the calendar year, but shall abide by:

- 1). For applicants with actual imports of wool, wool tops in 2004, the accumulative allocations (except for processing trade, the same as below) before 30 September 2005 do not exceed 2004 actual import amount (measured in accumulative amount on the customs stamped Agricultural Product Import TRQ Certificates that are received by the certificate issuing agencies). If actual import volume is less than 300 metric tons in 2004, applicants may apply for 300 metric tons.
- 2). For applicants without actual imports of wool, wool tops in 2004, the accumulative amount requested before 30 September 2005 will not exceed 300 metric tons.

Article 9

If an end-user has imported the entire allocated TRQ amount stipulated in Article 8 (measured in accumulative amount on the customs stamped Agricultural Product Import TRQ Certificates that are received by the certificate issuing agencies), he or she may apply again for import TRQs after September 30.

Article 10

After the authorized agencies have accepted applications, they should, if the applications comply with Articles 5, 8, and 9, request online via the Ministry of Commerce network, and fax the reviewed and signed applications to the Ministry of Commerce. The sequence of applications will be determined by display on the Ministry of Commerce network terminal.

Article 11

The Ministry of Commerce shall notify the authorized agencies of review results within 5 workdays after it receives an online application and faxed copy.

Article 12

Based on the number of approved applications, the authorized agencies shall issue Agricultural Product Import TRQ Certificates to the end-users within 5 workdays after receiving approval notifications from the Ministry of Commerce.

Article 13

An Agricultural Product Import TRQ Certificate is valid for 6 months, but the validity shall not go beyond December 31, 2005. The validity of an Agricultural Product Import TRQ Certificate for processing trade shall not exceed the re-export date for final product stipulated in the Certificate of Processing Trade Business.

Article 14

If a cargo departs the port of origin prior to 31 December 2005 and arrives at the destination in the following year, the end-user shall take the loading documents to the certificate-issuing agency applying for an extension, but the extension shall not go beyond the end of February 2006. For processing trade, if imports are not (all) completed by December 31, the unused quotas can be replaced by the following year's Agricultural Product Import TRQ Certificates if the original TRQ certificates are returned. However, the validity of the new TRQ certificates will not go beyond the deadline of re-export date for final product stipulated in the Certificate of Processing Trade Business.

Article 15

In case of alteration or extension in processing trade, the processing trade enterprise shall renew its Agricultural Product Import TRQ certificate at the certificate-issuing agency by providing old certificate and alteration notice for the Certificate of Processing Trade. The validity shall not exceed the date stipulated in the alteration notice for the Certificate of Processing Trade.

Article 16

An end-user shall return the original certificate to the certificate-issuing agency if TRQs have not been used within certificate validity. The Ministry of Commerce shall recall the quotas listed in the TRQ certificate and convert them into the balance of the TRQs.

Article 17

If an end-user forges the import contract and other documents to obtain an Agricultural Product Import TRQ Certificate, he/she will be punished according to provisions of the Interim Rules and Regulations for Agricultural Imports Tariff Rate Quota.

Article 18

After an end-user has finished the customs clearance for imported goods, he/she should return the first page of the customs stamped Agricultural Product Import TRQ Certificate (copy for customs clearance) to the certificate-issuing agency within 20 workdays.

Article 19

The Ministry of Commerce shall be responsible for the interpretation of these measures.

Appendix:**Application Form of Import TRQs for Wool, Wool Tops**

Stamp of Applicant Organization:

Name of Enterprise:			
Application items: <input type="checkbox"/> wool <input type="checkbox"/> wool tops		Forms of trade: <input type="checkbox"/> general trade <input type="checkbox"/> processing trade	
Requested amount (metric tons):		In year accumulative quotas allocated (metric ton):	
Enterprise category: <input type="checkbox"/> with actual import record <input type="checkbox"/> without actual import record			
Registered address:		Registration NO.	Telephone:
Nature of Enterprise:	<input type="checkbox"/> State-own <input type="checkbox"/> Share-holding <input type="checkbox"/> Private <input type="checkbox"/> Foreign Invested		
Type of Enterprise	<input type="checkbox"/> Manufacturing enterprise ? <input type="checkbox"/> Trading enterprise		
Wool product and capacity	Product name:	Wool product sales value in 2004 (10,000 yuan)	
	2004 production:	2004 demand for imported wool, wool tops	
The following is to be completed by the enterprises with actual import record (not including agents):			
TRQs for general trade in 2004	Allocated TRQs (MT):	TRQs for general trade in 2005	Allocated TRQs (MT):
	Actual imports (MT):		Actual imports (MT):
The following is to be completed by processing trade enterprises with actual import record:			
Processing trade TRQs in 2004	Allocated TRQs (MT):	Processing trade TRQs in 2005	Allocated TRQs(MT):
	Actual imports (MT):		Imported amount(MT):
The following is to be completed by processing trade enterprises applying for TRQs:			
Name of Processing enterprise:		Type of processing trade: <input type="checkbox"/> material supplied by customer <input type="checkbox"/> material bought by processor	
No. of Certificate of Processing Trade Business:		Deadline of final product re-export:	
Import Contract:			
Importer:		Importer customs registration No.	
Contract No.	Commodity name:	Commodity Serial No.	
Contract volume (MT):	Signing date:	Declaration port:	
Loading date:	Origin:	Trading country (region):	
Contract unit price:	Contract value:	Contract value in USD:	
Whether agree to provide information about enterprise and TRQ allocation to others: <input type="checkbox"/> yes <input type="checkbox"/> no			
Verification Comments completed by Authorized Agency:			

Notes:

1. General trade and processing trade shall be filled out separately. 2. Actual imports: refers to calendar year accumulative import volume as recorded on import TRQ certificate and returned to issuing agency (including shipment loaded before December 31 and arriving

before February 15 of the following year). 3. Allocated TRQs: refers to accumulative TRQs allocated by authorized agency within calendar year.

END TRANSLATION